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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Part 90 of the
Commission's Rules to Adopt
Regulations for Automatic Vehicle
Monitoring Systems

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) PR Docket No. 93-61
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REQUEST FOR EXTENSION OF TIME

AirTouch Teletrac ("Teletrac"), by its attorneys, hereby respectfully requests a brief, 30-day extension of time, up to and including June 22, 1995, in which to comply with certain of the provisions of Section 90.363 of the Commission's rules¹ as adopted in the Report and Order in the above-captioned proceeding.²

Section 90.363 requires that, in order to obtain grandfathered status for their stations, existing multilateration Automatic Vehicle Monitoring ("AVM") licensees must file, within 30 days of the effective date of the rules (i.e., by May 23, 1995), applications to modify their station licenses to comply with the new frequency band plan adopted in Section 90.257 of the rules.³ In these modification applications, an existing AVM licensee must certify either that: 1) the stations have been constructed and were in operation as of February 3, 1995 (in which case the licensee has until April 1, 1998

1 47 C.F.R. § 90.363.

2 FCC 95-41, released February 6, 1995. The Report and Order appeared in the Federal Register on March 23, 1995, 60 Fed. Reg. 15248. The rules adopted in the Report and Order became effective on April 24, 1995.

3 47 C.F.R. § 90.257.

to convert its stations to the new spectrum); or 2) the stations were not constructed and in operation by February 3, 1995 (in which case the stations must be constructed according to the new spectrum plan by April 1, 1996). If these modification applications are not timely filed, the existing AVM licenses will terminate 30 days after the effective date of the new rules.⁴

Teletrac is a joint venture between North American Teletrac and Location Technologies, Inc. It is the nation's leading provider of vehicle location services and has licensed systems currently operating in six cities.⁵ Teletrac intends to timely file modification applications pursuant to Section 90.363 for these six systems. However, Teletrac also has a number of licenses for vehicle location service that were awarded under the interim rules⁶ and that have not been constructed. It is for these licenses that Teletrac requests the brief extension of time to file modification applications under Section 90.363. In so doing, Teletrac emphasizes that it is not requesting a corresponding 30-day extension of time to construct these stations under the new band plan--any license that Teletrac seeks to modify pursuant to this extension would still be constructed by April 1, 1996.

Teletrac submits that the grant of such a brief extension of time would not be contrary to the goals of the new rules nor to the

4 47 C.F.R. § 90.363. See also Report and Order at ¶¶ 63-64.

5 In fact, Teletrac was the initiator of the captioned proceeding and has participated heavily in encouraging the adoption of permanent rules for location monitoring service.

6 See former Section 90.239 of the Commission's rules. The Commission reserved Section 90.239 when these new Location Monitoring Service ("LMS") rules were adopted.

public interest. Teletrac has invested a tremendous amount of time, effort and money in the six systems that it currently operates and in the research, planning and development of expansion of its service as evidenced by the additional licenses it has been awarded. As the Commission noted when it established the April 1, 1996 deadline for construction of facilities pursuant to currently unconstructed but modified licenses:

We have provided a transition period that we believe is appropriate for construction and operation for current licensees to attain grandfathered status. Because this spectrum will be subject to competitive bidding, we must balance our wish to accommodate the desired construction schedules of existing multilateration AVM licensees against the need for prospective bidders to be able to evaluate the likely value of the spectrum upon which they will be bidding.

Report and Order at ¶ 64. Teletrac's request here will not undermine the Commission's objectives, nor alter the construction schedule established by the Commission.

In addition, while Teletrac has equipment available that is type-accepted for its current systems, it has not been able to obtain firm commitments from manufacturers for equipment that will be required under the new rules. Teletrac has also been diligently contacting site owners to ensure that sites for which Teletrac wishes to file modification applications are still available, but has been unable to confirm all of its sites. Given the restriction that any alternate site proposed must be within two kilometers of the site specified in the original license, Teletrac needs to ensure that such sites are available.

Finally, Teletrac has been arranging for the necessary financing to fund expansion of its systems, but this financing has not been


firmly committed. Teletrac does not want to misrepresent to the Commission its plans for expansion pursuant to its existing licenses until the funding becomes final. Teletrac fully expects that all of these issues can be addressed and resolved in the next 30 days, so it can then present a complete and accurate package of its plans to the Commission. This brief delay will not prejudice any other party who either seeks similar grandfathering status or intends to ultimately bid on multilateration LMS spectrum.

Accordingly, Teletrac respectfully requests that it be granted a 30-day extension of time, up to and including June 22, 1995, in which to file modification applications pursuant to Section 90.363 of the Commission's rules for currently licensed but unconstructed AVM facilities.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Theresa Fenelon, an attorney with the law firm of Pillsbury Madison & Sutro, do hereby certify that I have on this 22nd day of May, 1995, caused to be forwarded copies of the foregoing REQUEST FOR EXTENSION OF TIME by first class United States mail, postage prepaid, to the following:

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